REMARKS

This communication is in response to the Office Action mailed October 20, 2008 and, further, in response to the Advisory Action mailed January 23, 2009. In the Advisory Action, the Examiner indicated that the amendments submitted in the response filed on December 22, 2008 would not be entered.

Therefore, the amendments submitted in the response filed on December 22, 2008 are re-submitted herein. Furthermore, additional arguments, as well as a Rule 132 declaration from inventor Bruce Halcro Candy, are provided herein.

In the Office Action, the Examiner indicates that claims 2-8 are allowed, which Applicant appreciates. It is respectfully submitted that the present amendments and Rule 132 declaration put this application in condition for allowance.

Anticipation Rejection of Claims 9 and 10

Turning now to the rejections, claims 9 and 10 are rejected as being anticipated by Candy (US Patent No. 4,942,360 – referred to herein as '360 Candy). Claim 9 (a method claim) has been amended to incorporate the features of allowed claims 2 and 3, with no new matter being added by way of this amendment. Thus, claim 9 is allowable for at least the reasons claims 2 and 3 have been allowed. Claim 10, dependent on amended claim 9, is allowable for at least the reasons that claim 9 is allowable.

Obviousness Rejection of Claims 1 and 11

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over '360 Candy in view of Candy (US Patent No. 5,576,624) referred to herein as '624 Candy but which was referred to in the Office Action as Candy II.

In the response filed December 22, 2008, Applicant submitted arguments as to how the claimed subject matter differs from that disclosed by '360 Candy. In the Advisory Action, the Examiner contended that the argued distinctions are not in the claims. However, it is respectfully submitted that the examiner is required to interpret the claim language from the point of view of one of ordinary skill in the art at the time of the invention, in view of the "plain meaning" ascribed to the phrase "reactive transmit voltage is approximately constant"

> as evidenced by a variety of sources, >including "the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art."<

See MPEP 2111.01(III) and its citation to the Phillips v AWH Corp. case.

We submit herein a Rule 132 declaration of inventor Bruce Halcro Candy to clarify how one of ordinary skill in the art at the time of the invention would interpret the expression "reactive transmit voltage is approximately constant" (referred to herein in shorthand as

"constant reactive voltage") in claim 1, in view of a "variety of sources" as indicated by Phillips. More particularly, the Rule 132 declaration is provided as evidence submitted to traverse the rejection.

That is, as fully set forth in the Rule 132 declaration, when interpreted in light of the proper reading of the specification of the present application, a person of ordinary skill in the art at the time of Applicant's invention would understand the present invention as claimed is related to "constant reactive voltage" in the *time domain* and not "constant reactive voltage" in the *frequency domain* as disclosed in the '360 Candy patent. For example, a table provided in the Rule 132 declaration clearly summarizes how one of ordinary skill in the art at the time of the invention would readily see the differences between this phrase as used in the present application and the disclosure of the '360 Candy patent.

Accordingly, it is respectfully submitted that the inventor's statement together with the arguments submitted in the response filed on December 22, 2008 (and incorporated fully herein), clearly demonstrate that claims 1 and 11 are not obvious in light of '360 Candy, modified in view of '624 Candy.

For at least these reasons, withdrawal of the obviousness rejection is respectively requested.

CONCLUSION

It is respectfully submitted that this reply is fully responsive to all outstanding issues and places this application in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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